

Legislative Tracking



If you would like advice with regard to any of these issues, please do not hesitate to contact the Tax and Legal Department of Deloitte CIS at +7 (495) 787 06 00 (Moscow) or + 7 (812) 703 71 06 (St. Petersburg).

A search tool for our daily Legislative Tracking issues is available on our website, at <http://www2.deloitte.com/ru/en/pages/tax/articles/deloitte-online-newstoyourdesk.html>. The Legislative Tracking Service is maintained by professionals from Deloitte CIS. This service is for informational purposes only, and the application of its contents to specific situations will depend on the particular circumstances involved.

18 June 2015

Garant: federal legislation monitoring

<http://www.garant.ru/hotlaw/federal/631660/>

Calculating mineral extraction tax on oil for May 2015

In this letter, the information necessary for the calculation of mineral extraction tax on oil for May 2015 is provided. At an average price of USD 63.07 per barrel of Urals oil on the Mediterranean and Rotterdam crude oil markets, and an average exchange rate between the USD and RUB of 50.5895 in the indicated tax period, the Kts coefficient has been defined as 9.3174.

Federal Tax Service Letter No. GD-4-3/10509@ of 17 June 2015

<http://www.garant.ru/hotlaw/federal/631659/>

Publishing information on legal entities

In this letter, it is reported that a special section has been created on the official website of the Federal Tax Service in which information about legal entities, which cannot be contacted using the address listed on the Unified State Register of Legal Entities, will be published.

Central Bank of Russia Letter No. 014-12-1/5123 of 16 June 2015

18 June 2015

Garant: PRIME

<http://www.garant.ru/products/ipo/prime/doc/70983872/>

Changes to the procedure of applying zero mineral extraction tax rates in relation to normative losses of natural resources

In this letter, it is reported that Federal Tax Service Letter No. AS-4-3/15165 of 21 August 2013, in which the procedure for applying a zero mineral extraction tax rate in relation to normative losses of natural resources was established, has been recalled. Furthermore, the letter recommends conforming with the existing court practice when addressing issues related to the application of Article 342 of the RF Tax Code.

Federal Tax Service Letter No. GD-4-3/10174@ of 11 June 2015

18 June 2015

ConsultantPlus

<http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=QUEST;n=146733>

Clarifying the concept of an ‘international agreement entered into by the Russian Federation’ for the application of the Convention on Mutual Administrative Assistance in Tax Matters

In this letter, it is reported that the concept of an ‘international agreement entered into by the Russian Federation on taxation’, explained in item 4, Article 7 of the RF Tax Code, does not extend to the Convention on Mutual Administrative Assistance on Tax Matters. It is furthermore reported that the Convention does not contain the term, ‘entity or individual with the actual right to income’ or similar concepts, nor regulations on the application of lowered tax rates or regulations on tax exemptions for income from the source of payment.

RF Ministry of Finance Letter No. 03-08-05/30531 of 27 May 2015

<http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=QUEST;n=146726>

Accounting for exchange differences which arise during the revaluation of liabilities in foreign currencies from forward contracts

In this letter it is reported that if, in connection with the conclusion of a forward contract, an organisation gains a liability in a foreign currency, then, from the moment of the conclusion of the contract, the organisation must deduct the exchange differences related to the revaluation for the purposes of corporate profit taxation.

RF Ministry of Finance Letter No. 03-08-05/30531 of 27 May 2015

<http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=QUEST;n=146735>

Accounting for exchange differences in relation to discounts on currency promissory notes

In this letter, it is clarified that a promissory note with a discount is payment for the use of borrowed funds, is identical in its economic essence to the interest accrued on the debt. The procedure for accounting for the promissory note with a discount for the purposes of taxation is identical to the debtor’s procedure for accounting for interest on debt for tax purposes.

RF Ministry of Finance Letter No. 03-03-06/30416 of 27 May 2015

<http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=EXP;n=616254>

Changes to the taxation of interest in relation to the Double Tax Treaty with China

A Protocol on the introduction of amendments to the Double Tax Treaty between the RF Government and the Government of China has established, in particular, that paid interest is subject to taxation only in the state in which the recipient is a resident. Please note that in relation to the effective version of the Treaty, this income is subject to taxation in both party states to the Treaty.

<http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=LAW;n=181167>

Amending the list of user states of Customs Union tariff preferences

By Decision of the Board of the Eurasian Economic Commission No. 35 of 23 April 2015, the Republic of the Maldives and the Independent State of Samoa have been included in the list of developing states, who are users of the Customs Union of the EEU's system of tariff preferences.

18 June 2015

Official website of the Federal Tax Service

http://www.nalog.ru/rn77/news/tax_doc_news/5628623/

Special software for completing the capital amnesty returns

Information has been published on the website of the Federal Tax Service about the development of free software for completing special tax returns as part of the voluntary declaration of assets. The software is accessible through the Service's website (version 4.41, revision 3). The voluntary declaration programme will be effective from 1 July to 31 December 2015.

17 June 2015

Single portal for draft regulations

<http://regulation.gov.ru/project/26873.html>

Development of the form of notifications on the recognition of foreign organisations as tax residents

It is reported that the Federal Tax Service has developed a draft order 'On the approval of the form of notification of foreign organisations on being recognised as RF tax residents, and on rejecting RF tax resident status'.

19 June 2015

Kommersant

<http://www.kommersant.ru/doc/2749607>

Payment of VAT on insurance payments as a result of insurance agreements on the risk of nonperformance of contractual liabilities

It is reported that the company Sony Mobile Communications Rus LLC requested that the RF Constitution Court check for compliance with RF Constitutional Court regulation, sub-item 4, item 1, Article 162 of the RF Tax Code, in accordance with which the VAT base is raised by the amount of insurance payments received from insurance agreements on the risk of non-performance of contractual liabilities. Please note that Sony Mobile Communications Rus has lost cases on the given issue on three occasions.

Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited, a UK private company limited by guarantee, and its network of member firms, each of which is a legally separate and independent entity. Please see www.deloitte.com/about for a detailed description of the legal structure of Deloitte Touche Tohmatsu Limited and its member firms. Please see www.deloitte.com/ru/about for a detailed description of the legal structure of Deloitte CIS.

Deloitte provides audit, tax, consulting, and financial advisory services to public and private clients spanning multiple industries. With a globally connected network of member firms in more than 150 countries, Deloitte brings world class capabilities and deep local expertise to help clients succeed wherever they operate. Deloitte has in the region of 200,000 professionals, all committed to becoming the standard of excellence.

Deloitte's professionals are unified by a collaborative culture that fosters integrity, outstanding value to markets and clients, commitment to each other, and strength from diversity. They enjoy an environment of continuous learning, challenging experiences, and enriching career opportunities. Deloitte's professionals are dedicated to strengthening corporate responsibility, building public trust, and making a positive impact in their communities.